

MAYOR AND CITY COUNCIL MEMBERS

Mayor John J. Lampl II
Mayor Pro Tem Renee S. Knight
Councilwoman Dorothy Dean
Councilman Khoa Vuong
Councilwoman Van T. Tran

Regular Meeting

January 10, 2023, Agenda 7:30pm

CALL TO ORDER: Mayor John J. Lampl II

PLEDGE OF ALLEGIANCE: All

MOMENT OF SILENCE: Mayor John J. Lampl II

1. APPROVAL OF MINUTES:

1. Approval of December 13, 2022, Regular Meeting Minutes
2. Approval of December 13, 2022, Work Session Minutes

2. PRESENTATIONS:

Morrow Police Department

~2023 Officer of the Year~: Lt. W. Eli Skelton

~Chief's Award: Presented to ~Lt. M. Beaver

~Certificate of Commendation~ Officer Kirby

Morrow Fire Department

~ Firefighter III AEMT Brandon Murdaugh~ 5-Year Service Pin

Christmas Decorations Winners

~5954 Foxcroft Court~ Santa's Favorite.

~1715 Meadow Way~ Christmas Spirit Award.

~6117 Graceland Circle~ Children's Christmas Choice Award.

3. NEW BUSINESS:

1. Approval of MPD recommendation the council permit the budgeted purchase of one police patrol vehicles totaling \$39,630.; and to authorize the mayor to execute if any agreement and any other related documents.

2. Approval of MPD recommendation for the surplus and sale of 2014 Ford Taurus. The funds recovered from the sale of this item will be returned to the appropriate account: and to authorize the mayor to execute if any agreement and any other related documents.

4. **ORDINANCES AND RESOLUTIONS:**

ORDINANCE 2023-01

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF MORROW, GEORGIA TO ESTABLISH A MUNICIPAL PROBATION DEPARTMENT; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN ADOPTION DATE AND EFFECTIVE DATE; AND FOR OTHER PURPOSES

5. **GENERAL COMMENTS:**

6. **EXECUTIVE SESSION:**

Personnel Matters

7. **ADJOURNMENT:**

NOTICE: City Council Work Sessions and Council Meetings will be held in the Council Chambers. The meeting is open to the public, and any interested party is encouraged to attend. Work Session starts at 6:30pm and operates until the regular council meeting begins at 7:30pm. Council will **CONTINUE THE WORK SESSION AFTER** the regular council meeting and it will last as long as required to conduct the business of the city

MAYOR AND CITY COUNCIL MEMBERS

Mayor John J. Lampl II
Mayor Pro Tem Renee S. Knight
Councilwoman Dorothy Dean
Councilman Khoa Vuong
Councilwoman Van T. Tran

Regular Meeting

December 13, 2022, Agenda Minutes 7:30pm

CALL TO ORDER: Mayor John J. Lampl II

Mayor Lampl called the December 13, 2022, Regular Meeting to order at 7:35 pm.

PLEDGE OF ALLEGIANCE: All

MOMENT OF SILENCE: Mayor John J. Lampl II

MOTION AND VOTE: **Mayor Lampl** called for a motion to add to the agenda Resolution 2022-07- A RESOLUTION AUTHORIZING A ONE-TIME HOLIDAY PAYMENT FOR FULL-TIME AND PART-TIME EMPLOYEES OF THE CITY OF MORROW, GEORGIA; TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ANY DOCUMENTS NECESSARY TO CARRY OUT THIS RESOLUTION; TO REPEAL INCOSISTENT PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. Councilman Vuong made the motion, seconded by Councilwoman Knight. **Motion passed Unanimously.**

1. APPROVAL OF MINUTES:

1. Approval of November 22, 2022, Regular Meeting Minutes
2. Approval of November 22, 2022, Work Session Minutes

MOTION AND VOTE: **Mayor Lampl** called for a motion to approve the November 22, 2022, Regular Meeting and Work Session Minutes. Councilwoman Knight made the motion, seconded by Councilwoman Dean.

Councilwoman Tran: made an amend motion to add no vote approval of resolution 2022-06. **Motion Failed.**

Councilwoman Tran: made a second amend motion to add verbatim language to the November 22, 2022, Regular Meeting Minutes. Mayor Lampl called councilwoman Tran out of order. **Motion Failed.**

Councilwoman Tran: made a third amend Motion to add verbatim language to November 22, 2022, Work Session. Mayor Lampl called Councilwoman Tran out of order. **Motion Failed.**

Councilwoman Tran: made a fourth amend motion to add verbatim language to the November 22, 2022, Work Session Minutes. Mayor Lampl called Councilwoman Tran out of order. **Motion Failed.**

Councilwoman Tran: made the fifth amend motion to add verbatim language to the November 22, 2022, Work Session minutes. Mayor Lampl called Councilwoman Tran out of order for the fifth time. **Motion failed.**

MOTION AND VOTE: Mayor Lampl went back to his original motion to approve the November 22, 2022, Regular Meeting and Work Session minutes. Councilwoman Knight voted “Aye”, Councilwoman Dean voted “Aye”, Councilman Vuong voted “Aye”. Councilwoman Tran voted “Nay”. **Motion passed 3-1.**

2. **PRESENTATIONS:**

Michael Crumpler explained to the council an incident that occurred on 12/12/2022 at 1298 Burbank Trail-Beverly Hills neighborhood in which the Clayton County Police Department Bomb Division had to assist the Morrow Police Department.

Sergeant Bethany Mills presented and gave a brief explanation of the incident in which led to Officer Kirby to receive the Humanitarian Service Award.

Captain Beard presented officer Paske with his badge and promotion status to the rank of Sergeant.

Captain Beard presented Sergeant Rodriguez with her new badge and promotion status to the rank of Lieutenant. Captain Beard noted that in his 15 years with the Morrow Police Department there has not been a female Lieutenant.

Major Greg Tatroe and Mayor Lampl presented Lieutenant Skelton with his award and 10-year service pin to the City of Morrow.

Morrow Police Department
~ Lt. Skelton 10-year of service Pin~
~ Officer Kirby Humanitarian Service Award~
~Sergeant Rodriguez promotion to Lieutenant~
~ Officer Paske promotion to Sergeant~

3. NEW BUSINESS:

Mayor Lampl called for a motion to approve Resolution 2022-07 – A RESOLUTION AUTHORIZING A ONE-TIME HOLIDAY PAYMENT FOR FULL-TIME AND PART-TIME EMPLOYEES OF THE CITY OF MORROW, GEORGIA; TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ANY DOCUMENTS NECESSARY TO CARRY OUT THIS RESOLUTION; TO REPEAL INCOSISTENT PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. Councilwoman Tran made the motion, seconded by councilwoman Knight. **Motion passed Unanimously.**

1. Approval of City Managers recommendation for 2023 Workers Compensation Insurance & Cancer Policy Renewal at \$114,081.00; and to authorize the mayor to execute any agreement and any other related documents.

MOTION AND VOTE: Mayor Lampl called for a motion to approve item 1 under new business. Councilwoman Dean made the motion, seconded by councilwoman Knight. **Motion pass unanimously.**

2. Approval of City Managers recommendation to accept bid from Jeffers Architecture for District/ Amphitheater Design Architect totaling \$12,500.00; and to authorize the mayor to execute any agreement and any other related documents.

MOTION AND VOTE: Mayor Lampl called for a motion to approve item 2 under new business. Councilwoman Dean made the motion, seconded by Councilwoman Knight. Councilwoman Knight, Councilman Vuong, and Councilwoman Dean voted “Aye”. Councilwoman Tran abstain her vote. Per city charter article 2 sec.2.20. an Abstention shall be counted as an affirmative vote. **Motion passed unanimously.**

3. Approval of City Managers recommendation to accept bid from RM Construction for the event Space floor sealing and epoxy totaling \$172,000.00; and to authorize the mayor to execute any agreement and any other related documents.

MOTION AND VOTE: Mayor Lampl called for motion to approve Item 3 under new business. Councilwoman Knight made the motion, seconded by councilwoman Dean. Councilwoman Knight voted “Aye”, Councilman Vuong voted “Aye”, Councilwoman Dean voted “Aye”. Councilwoman Tran voted “Nay”. **Motion passed 3-1.**

4. Approval of City Managers recommendation to accept bid from RM Construction for the construction and remodeling of Morrow Tourist Center totaling \$485,575.00; and to authorize the mayor to execute any agreement and any other related documents.

MOTION AND VOTE: Mayor Lampl called for motion to approve the Item 4 under new business. Councilwoman Dean made the motion, seconded by councilwoman Knight. Councilwoman Knight and Councilwoman Dean voted “Aye”. Councilman Vuong abstains his vote. Councilwoman Tran voted “Nay”. Per city charter article 2 sec.2.20. an abstention shall be counted as an affirmative vote. **Motion passed 3-1.**

5. Approval of City Managers recommendation to accept bid from PDP Restoration totaling \$447,000.000 for the construction of permanent restroom facilities at the Morrow Event Dark Space (Dark Space); and to authorize the mayor to execute any agreement and any other related documents.

MOTION AND VOTE: Mayor Lampl called for a motion to approve Item 5 under new business. Councilwoman Knight made the motion, seconded by councilman Vuong. Councilwoman Knight voted “Aye”, Councilman Vuong voted “Aye”, and Councilwoman Dean voted “Aye”. Councilwoman Tran voted “Nay”. **Motion passed 3-1.**

4. ORDINANCES AND RESOLUTIONS:

ORDINANCE 2022-08

AN ORDINANCE TO AMEND TO THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA; BY REVISING TITLE 9 (“LICENSING AND REGULATION”) IN CHAPTER 2 (“ALCOHOLIC BEVERAGES”) SECTION 9-2-29 (“TYPE OF BUSINESS TO BE LICENSED”); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

Second Reading of Ordinance 2022-08

MOTION AND VOTE: Mayor Lampl called for a motion to adopt Ordinance 2022-08. Councilwoman Dean made the motion, seconded by councilwoman Knight. **Motion Passed unanimously.**



5. GENERAL COMMENTS:

Lana Labay

Cherie Crisp

Brandon Hermsmeier

Councilwoman Tran

Councilman Vuong

Councilwoman Dean

6. ADJOURNMENT:

Mayor Lampl adjourned the December 13, 2022, Regular Meeting at 8:21 pm.

Approved this 10th day of January 2023.

Attest

City of Morrow, GA

Victor Aguilar, City Clerk

John J. Lampl II, Mayor

NOTICE: City Council Work Sessions and Council Meetings will be held in the Council Chambers. The meeting is open to the public, and any interested party is encouraged to attend. Work Session starts at 6:30pm and operates until the regular council meeting begins at 7:30pm. Council will CONTINUE THE WORK SESSION AFTER the regular council meeting and it will last as long as required to conduct the business of the city

MAYOR AND CITY COUNCIL MEMBERS

Mayor John J. Lampl II
Mayor Pro Tem Renee S. Knight
Councilwoman Dorothy Dean
Councilman Khoa Vuong
Councilwoman Van T. Tran

December 13, 2022, Work Session Minutes 6:30

Mayor Lampl, Mayor Pro Tem Knight, Councilwoman Dean, Councilman Vuong, and Councilwoman Tran were all Present.

Mayor Lampl called to order the December 13th, 2022, Work Session at 6:31 pm.

Mayor Lamp reviewed the December 13th, 2022, Work Session Agenda.

1. Review of Meeting Agenda

- a. Minutes November 22, 2022
- b. Presentations- Morrow Police Department-Promotions and 10 years of service.
- c. Approval of City Managers recommendation for 2023 Workers Compensation Insurance & Cancer Policy Renewal at \$114,081.00; and to authorize the mayor to execute any agreement and any other related documents.

Jeff Baker explained and reviewed item 1 under new business recommendation for 2023 workers compensation insurance & cancer policy renewal at \$114, 081.00.

- d. Approval of City Managers recommendation to accept bid from Jeffers Architecture for District/ Amphitheater Design Architect totaling \$12,500.00; and to authorize the mayor to execute any agreement and any other related documents.

Jeff Baker presented and explained to the council Item 2 under new business to accept bid from Jefferson Architecture for District/ Amphitheater design architect for a beginning retainment of \$12,500.00.

- e. Approval of City Managers recommendation to accept bid from RM Construction for the event Space floor sealing and epoxy totaling

\$172,000.00; and to authorize the mayor to execute any agreement and any other related documents.

Jeff Baker presented and explained Item 3 under new business to accept bid from RM Construction for the event space floor sealing and epoxy totaling \$172,000.00.

- f. Approval of City Managers recommendation to accept bid from RM Construction for the construction and remodeling of Morrow Tourist Center totaling \$485,575.00; and to authorize the mayor to execute any agreement and any other related documents.

Jeff Baker presented and explained to the council item 4 under new business to accept bid from RM Construction for the construction and remodeling of Morrow Tourist Center totaling \$485, 575.00.

- g. Approval of City Managers recommendation to accept bid from PDP Restoration totaling \$447,000.000 for the construction of permanent restroom facilities at the Morrow Event Dark Space (Dark Space); and to authorize the mayor to execute any agreement and any other related documents.

Jeff Baker presented and explained to the council item 5 under new business to accept bid from PDP Restoration totaling \$447,000.000 for the construction of permanent restroom facilities at the Morrow Event Dark Space (Dark Space).

- h. Ordinance 2022-08- AN ORDINANCE TO AMEND TO THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA; BY REVISING TITLE 9 (“LICENSING AND REGULATION”) IN CHAPTER 2 (“ALCOHOLIC BEVERAGES”) SECTION 9-2-29 (“TYPE OF BUSINESS TO BE LICENSED”); TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PORPOSES.

First Reading of ordinance 2022-08 on November 22, 2022

Second Reading of Ordinance 2022-08 on December 13, 2022.

Mayor Lampl adjourned the December 13, 2022, Work Session Meeting at 7:27 pm.

Approved this 10th day of January 2023.

Attest

City of Morrow, GA

Victor Aguilar, City Clerk

John J. Lampl II, Mayor

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AGENDA ITEM MEMO

Subject:

Submitted by:

Date

Agenda Type:

Deadline

Background:

Analysis:

Recommendation:

Legal Ad Required

Fiscal Impact

G/L Coding

Budgeted

SPLOST

If SPLOST, Category

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Budgeted

SPLOST

If SPLOST, Category

Ernest M. Smith (1911-1992)
A. J. Welch, Jr. (1944-2018)
John P. Webb, PC
William A. White, PC
Andrew J. Welch, III, PC (NY & GA)
J. Byrd Garland
L. Scott Mayfield
Marc A. Avidano (FL & GA)
David M. Waldroup
Andrew J. Gebhardt
R. Brian Strickland
Elizabeth P. O'Neal
Megan Murren Rittle (GA & AL)
Lajuana C. Ransaw
Warren M. Tillery
Orion G. Webb



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Tim N. Shepherd
Amy M. Fletcher

MEMORANDUM ATTORNEY /CLIENT COMMUNICATION

TO: Jeff Baker, Morrow City Manager

FROM: Lajuana C. Ransaw, City Attorney

CC:

DATE: December 19, 2022

RE: Requirements for the City to Operate a Municipal Probation Office; Required Amendments and City Ordinance Amendment Required.

Issue Presented: What are the preliminary requirements that the City of Morrow must take to operate a private probation office.

As I understand, the City of Morrow is interested in terminating their contract for probation services with their current vendor and establish a municipal run probation office. After review of the state law, it is clear that the City has the authority to establish a municipal probation office after the contract is terminated. O.C.G.A. § 42-8-102 et seq.

First, the City will have to pass an ordinance that grants the establishment of the probation department. The probation department should be under the supervision of the Municipal Court judge. There must be a separate ordinance that establishes the operation of the probation office, to include, but not limited to, amount of fees, duties of the department employees, and means of collection of fees from defendants.

Probation for misdemeanors and ordinance violations; authority of certain judges to contract for provision of probation services or establish probation systems; definitions

(a) Any court which has original jurisdiction of ordinance violations or misdemeanors and in which the defendant in such a case has been found guilty upon verdict or has pled guilty or nolo contendere may, at a time to be determined by the court, hear and determine the question of the probation of such defendant.

(b) If it appears to the court upon a hearing of the matter that the defendant is not likely to engage in an unlawful course of conduct and that the ends of justice and the welfare of society do not require that the defendant shall presently suffer the penalty imposed by law, the court in its discretion may place the defendant on probation under the supervision and control of a probation officer or private probation officer for all or a portion of the sentence or may impose a sentence upon the defendant but stay and suspend the execution of such sentence or any portion thereof. The period of probation or suspension shall not exceed the maximum sentence of confinement which could be imposed on the defendant; provided, however, that nothing in this chapter shall be construed to limit the ability of a court to toll a sentence as provided in this article.

(c) The court may, in its discretion, require the payment of a fine, fees, or restitution as a condition of probation. The provisions of Chapter 14 of Title 17 shall control in determining the amount of restitution. When probation supervision is required, the court may require the payment of a probation supervision fee as a condition of probation. In determining the financial obligations, other than restitution, to impose on the defendant, the court may consider:

- (1) The defendant's financial resources and other assets, including whether any such asset is jointly controlled;
 - (2) The defendant's earnings and other income;
 - (3) The defendant's financial obligations, including obligations to dependents;
 - (4) The period of time during which the probation order will be in effect;
 - (5) The goal of the punishment being imposed; and
 - (6) Any other factor the court deems appropriate.
- (d) The court may convert fines, statutory surcharges, and probation supervision fees to community service or educational advancement on the same basis as it allows a defendant to pay a fine through community service or educational advancement as set forth in subsection (d) of Code Section 17-10-1.

(e)(1) As used in this subsection, the term:

- (A) "Developmental disability" shall have the same meaning as set forth in Code Section 37-1-1.
- (B) "Indigent" means an individual who earns less than 100 percent of the federal poverty guidelines unless there is evidence that the individual has other resources that might reasonably be used without undue hardship for such individual or his or her dependents.
- (C) "Significant financial hardship" means a reasonable probability that an individual will be unable to satisfy his or her financial obligations for two or more consecutive months.
- (D) "Totally and permanently disabled" shall have the same meaning as set forth in Code Section 49-4-80.

(2) The court shall waive, modify, or convert fines, statutory surcharges, probation supervision fees, and any other moneys assessed by the court or a provider of probation services upon a determination by the court prior to or subsequent to sentencing that a defendant has a significant

financial hardship or inability to pay or that there are any other extenuating factors which prohibit payment or collection; provided, however, that the imposition of sanctions for failure to pay such sums shall be within the discretion of the court through judicial process or hearings.

(3) Unless rebutted by a preponderance of the evidence that a defendant will be able to satisfy his or her financial obligations without undue hardship to the defendant or his or her dependents, a defendant shall be presumed to have a significant financial hardship if he or she:

(A) Has a developmental disability;

(B) Is totally and permanently disabled;

(C) Is indigent; or

(D) Has been released from confinement within the preceding 12 months and was incarcerated for more than 30 days before his or her release.

(f)(1) The sentencing judge shall not lose jurisdiction over any person placed on probation during the term of his or her probated sentence. As further set forth in this subsection, the judge may revoke any or all of the probated sentence, rescind any or all of the sentence, or, in any manner deemed advisable by the judge, modify or change the probated sentence, including tolling the sentence as provided in this article, at any time during the period of time originally prescribed for the probated sentence to run.

(2)(A) When the sole basis for a probation revocation is for failure to pay fines, statutory surcharges, or probation supervision fees, the probationer shall be scheduled to appear on the court's next available court calendar for a hearing on such issue. No prehearing arrest warrant shall be issued under such circumstances. Absent a waiver, the court shall not revoke a probationary sentence for failure to pay fines, statutory surcharges, or probation supervision fees without holding a hearing, inquiring into the reasons for the probationer's failure to pay, and, if a probationary sentence is revoked, making an express written determination that the probationer has not made sufficient bona fide efforts to pay and the probationer's failure to pay was willful or that adequate alternative types of punishment do not exist. Should the probationer fail to appear at such hearing, the court may, in its discretion, revoke the probated sentence.

(B) A person otherwise found eligible to have his or her probation modified or terminated pursuant to paragraph (1) of this subsection shall not be deemed ineligible for modification or termination of probation solely due to his or her failure to pay fines, statutory surcharges, or probation supervision fees.

(3)(A) When the sole basis for a probation revocation is for failure to report as directed by his or her probation officer or private probation officer, as the case may be, such officer shall prepare an affidavit for the court, averring, at a minimum, that:

(i) The probationer has failed to report to his or her probation officer or private probation officer, as the case may be, on at least two occasions;

(ii) The officer has attempted to contact the probationer at least two times by telephone or email at the probationer's last known telephone number or email address, which information shall be listed in the affidavit;

(iii) The officer has checked the local jail rosters and determined that the probationer is not incarcerated;

(iv) The officer has sent a letter by first-class mail to the probationer's last known address, which shall be listed in the affidavit, advising the probationer that the officer will seek to have the probationer arrested and have his or her probation revoked if the probationer does not report to such officer in person within ten days of the date on which the letter was mailed; and

(v) The probationer has failed to report to the probation officer or private probation officer, as the case may be, as directed in the letter set forth in division (iv) of this subparagraph and ten days have passed since the date on which the letter was mailed.

(B) In the event the probationer reports to his or her probation officer or private probation officer, as the case may be, within the period prescribed in division (iv) of subparagraph (A) of this paragraph, the probationer may be scheduled to appear on the next available court calendar for a hearing to consider whether the probation sentence should be revoked in whole or in part.

(C) A probation officer or private probation officer, as the case may be, shall submit the affidavit required by subparagraph (A) of this paragraph together with his or her request for an arrest warrant, and the court may, in its discretion, issue a warrant for the arrest of the probationer.

(4) At any revocation hearing, upon proof that the probationer has violated probation:

(A) For failure to report to probation or failure to pay fines, statutory surcharges, or probation supervision fees, the court shall consider the use of alternatives to confinement, including community service, modification of the terms of probation, or any other alternative deemed appropriate by the court. The court shall consider whether a failure to pay court imposed financial obligations was willful. In the event an alternative is not warranted, the court shall revoke the balance of probation or a period not to exceed 120 days in confinement, whichever is less; and

(B) For failure to comply with any other general provision of probation or suspension, the court shall consider the use of alternatives to confinement, including community service or any other alternative deemed appropriate by the court. In the event an alternative is not warranted, the court shall revoke the balance of probation or a period not to exceed two years in confinement, whichever is less.

(g) If a defendant is placed on probation pursuant to this Code section by a court other than one for the county or municipality in which he or she resides for committing any ordinance violation or misdemeanor, such defendant may, when specifically ordered by the court, have his or her probation supervision transferred to the county or municipality in which he or she resides.

Credits

For example, the City of Marietta's formation ordinance states:

"There is created a probation office which shall be under the supervision of the municipal court judge. The probation office shall have the duty of supervising persons convicted in the municipal court when so directed by the municipal court judge. The probation office shall have such other duties as may be given to it by the municipal court judge or by ordinance. All matters relating to the operation of the probation office shall be as directed by ordinance. The probation office may collect from a defendant on probation a monthly probation fee not to exceed \$30, as set by the municipal court judge".

After the Mayor and Council approves the creation of a municipal run probation office, the Municipal Court judge and all employees of the probation office must comply with O.C.G.A. § 35-8-13.1 which requires that:

35-8-13.1. Training and certification of municipal probation officers.

(a) Any person employed or appointed as a municipal probation officer on or after July 1, 2017, shall not be authorized to exercise the power of arrest as a municipal probation officer unless such person has successfully completed a training course and received certification for municipal probation officers approved by the Georgia Peace Officer Standards and Training Council; provided, however, that such person shall only exercise the power of arrest upon individuals whom he or she is supervising under Article 6 of Chapter 8 of Title 42, unless such person is certified as a peace officer by the Georgia Peace Officer Standards and Training Council.

(b) Persons applying for certification and persons certified by the council under this Code section shall be subject to the powers and authority of the Georgia Peace Officer Standards and Training Council applicable to peace officers as defined in this chapter and shall be required to fulfill all of the requirements of a peace officer, except peace officer training requirements applicable to peace officers only. Such persons shall be required to register with the council. Such registration shall remain in effect for the period of time such person is employed as a municipal probation officer.

(c) Any person who registers with the council pursuant to this Code section shall not have such registration invalidated upon termination of employment or appointment as a municipal probation officer if subsequent employment or appointment as a municipal probation officer is commenced within 12 months of such prior termination of employment or appointment as a municipal probation officer.

(d) Any municipal probation officer exempted from mandatory compliance with this Code section may choose to be certified under this Code section. If so, the council shall have the authority to recognize instruction received by such municipal probation officer as equivalent to all or part of the instruction required for certification under this Code section.

(e) The term "municipal probation officer" as used in this Code section means only municipal probation officers employed directly by a municipality or consolidated government and shall not include employees of private probation providers which contract with municipalities or consolidated governments in accordance with the provisions of Article 6 of Chapter 8 of Title 42; provided, however, that the term "municipal probation officer" shall not include probation officers of any municipal corporation which conducts a training course for such officers if such training course is approved by the Georgia Peace Officer Standards and Training Council.

(f) Any person who has completed the peace officer basic training course and is certified as a peace officer by the Georgia Peace Officer Standards and Training Council may serve as a municipal probation officer without obtaining the municipal probation officer training and certification required by this Code section.

Due to the training requirements, most municipalities use peace officers to serve as probation officers, because they would not have to complete the additional POST training and certification requirements, as they are already POST certified.

I have attached a draft ordinance for your review, revision, and/or approval. In order to draft a final version, I would need to have another meeting with Chief to inquire as to the proposed structure of the probation department (i.e. How many officers are needed to run the department? What is the fee structure for monthly supervision? What is the salary structure for the department? Are there any offenses that will be excluded from probation?)

I have attached a draft ordinance for your review, revision and/or approval.

Best,

A handwritten signature in blue ink, appearing to read "Lagna", followed by a stylized flourish.

Encl.

1 **STATE OF GEORGIA**

2
3 **CITY OF MORROW**

4 ORDINANCE NO. _____

5
6 AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF MORROW,
7 GEORGIA TO ESTABLISH A MUNICIPAL PROBATION DEPARTMENT; TO REPEAL
8 CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR
9 AN ADOPTION DATE AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10 **WHEREAS**, the City of Morrow has been vested with substantial powers, rights and
11 functions to serve the ends of justice and welfare of society and to maintain the health, morals,
12 safety, security, peace, and the general welfare of the citizens of the City of Morrow; and

13 **WHEREAS**, Georgia law recognizes that local governments may create a municipal
14 probation department, require the payment of fine, fees, restitution, and conditions of probation
15 for defendants found guilty of City Ordinance violations or misdemeanors; and

16 **WHEREAS**, the Courts take judicial notice of a local government's inherent ability to
17 establish municipal probation departments and local ordinances that govern the formation and
18 operation of municipal probation departments; and

19 **WHEREAS**, the Mayor and Council of the City of Morrow have, after consideration of
20 the needs and general welfare of the citizens of Morrow, find that there is a need to establish a
21 municipal probation department for the City of Morrow, Georgia; and

22 **WHEREAS**, the Mayor and Council deem it important to direct development in a manner
23 that is consistent with the current Comprehensive Plan, represents the quality growth Morrow's
24 residents and businesses deserve, and that add a new level of sustainability, and consider this
25 moratorium a necessary and proper exercise of its police powers; and

{Doc: 03217970.DOCX}

26 **WHEREAS**, the Mayor and Council therefore authorize and approve the creation of a
27 municipal probation department; that the municipal probation department shall be supervised by
28 the Municipal Judge for the City of Morrow; that the Municipal Court judge shall have the
29 authority designated under Georgia law to impose probation, suspended sentences, fines, fees,
30 restitution, or conditions of probation as deemed necessary.

31 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
32 **THE CITY OF MORROW** and by the authority of the same:

33 **CREATION OF THE CITY OF MORROW PROBATION DEPARTMENT**

- 34 (a) There is created a Probation Department for the City of Morrow, Georgia.
- 35 (b) The Municipal Court judge shall have the authority to sentence a defendant who is found
36 guilty of a Morrow municipal ordinance violation, or a misdemeanor committed in the City
37 of Morrow, so long as it is determined that the defendant is not likely to engage in the
38 unlawful course of conduct again, and the sentence of probation serves the ends of justice.
- 39 (c) The duration of a defendant's probation sentence shall not exceed the maximum sentence
40 of confinement which could be imposed on the defendant for violation of the municipal
41 ordinance or misdemeanor.
- 42 (d) The Municipal Court judge, in their discretion and after reviewing applicable
43 considerations that affect a defendant's ability to pay, may impose fines, fees, restitution,
44 community service, or conditions of probation.
- 45 (e) The Municipal Court judge shall retain jurisdiction over the defendant during their
46 probated sentence, and may revoke, rescind, terminate, modify or change the sentence or

probation period at any time and in any manner deemed advisable by the Municipal Court judge.

(f) This Ordinance shall be effective as of the date of its adoption.

(g) As of the effective date of this Ordinance, all City Ordinances are hereby repealed to the extent that they are inconsistent with this Ordinance.

(h) To the extent that any portion of this Ordinance is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of the Resolution.

(i) The City of Morrow and Council for the City of Morrow hereby authorize the City Clerk to attest the signature of any City official appearing on documents necessary to carry out this Ordinance, to affix the official seal of the City thereto, as necessary, and to place this Ordinance and any related documents in the official records of the City for future reference.

ORDAINED this _____ day of _____, 2022.

CITY OF MORROW, GEORGIA

John Lampl, Mayor

ATTEST:

Victor Aguilar, City Clerk